

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In Re Application of:** Stephen D. Kuslich et al.  
**Serial No.:** 09/738,726  
**Filed:** December 15, 2000  
**For:** TOOL TO DIRECT BONE GRAFT  
**Examiner:** Tonya Lee  
**Group Art Unit:** 3738

Honorable Commissioner for Patents  
Washington, D.C. 20231

Docket No: S85.2-9608

## PRELIMINARY AMENDMENT

Prior to examining this application, please amend the above-identified application as follows:

In the Claims:

Please amend claim 1 as follows:

1.(Once Amended) A tool for directing bone replacement material into a defined space comprising:

- a) an elongated hollow tube having a proximal and a distal end, said proximal end being adapted for attachment to a source of bone replacement material under pressure; and
- b) said distal end including at least one deflector opening for deflecting bone replacement material out of said tube at an angle relative to a longitudinal axis of said tube, each said at least one deflector opening having a length of between about 1 1/2 to 3 D, wherein D is the internal diameter of said tube.